THE ANDHRA PRADESH LOKAYUKTA AND UPA-LOKAYUKTA (INVESTIGATION) RULES, 1984

[1][*G.O.Ms.No. 34, General Administration (SC-D), dt. 20-1-1984*]

In exercise of the powers conferred by Section 20 of the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 (Act No. 11 of 1983), the Governor of Andhra Pradesh hereby makes the following rules relating to allegations and complaints against public servants, their verification and investigation.

CHAPTER I
Preliminary

1. Short title:— These rules may be called the Andhra Pradesh Lokayukta and Upa-Lokayukta (Investigation) Rules, 1984.

2. Definitions:—(1) In these rules unless the context otherwise requires,—

(i) *"Act"* means the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 (Act No. 11 of 1983);

(ii) *"Complainant"* means any person by whom a complaint is made under Section 9 of the Act;

(iii) *"Complaint"* means a statement made in writing to the Lokayukta or Upa-Lokayukta by a complainant containing an allegation against a public servant in respect of an action taken by such public servant;

(iv) *"form"* means a form appended to these rules;

(v) *"Governor"* means the Governor of Andhra Pradesh;

[2][(v-a) *"Institution"* means, the Institution of Lok Ayukta and Upa-Lok Ayukta of Andhra Pradesh"];

(vi) *"investigation"* means any inquiry or other proceedings conducted by the Lokayukta or Upa-Lokayukta in connection with the complaint, or on his own motion or under the orders of the Governor but shall not include preliminary verification;

(vii) *"person aggrieved"* means a person who sustained injustice or undue hardship in consequence of any act of a public servant falling within the scope of sub-clause (i), (ii) or (iii) of Clause (b) of Section 2 of the Act;

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1. Published in A.P. Gazette, R.S. to Part I, dt. 20-1-1984
2. Inserted by G.O.Ms.No. 120 (G.A.), dt. 19-3-1987, Pub. in A.P. Gaz., R.S. to Part I (Ext.), dt. 6-4-1987.

(viii) *"Preliminary verification"* means any inquiry or other proceedings conducted by the Lokayukta or Upa-Lokayukta in connection with a complaint or on his own motion for the purpose of satisfying himself as to whether there are any grounds for conducting an investigation into such complaint;

(ix) *"registrar"* means the principal administrative officer of the establishment of the Lokayukta and Upa-Lokayukta and appointed by the Lokayukta under sub-section (1) of Section 14 of the Act;

(x) *"State"* means the State of Andhra Pradesh.

(2) Words and expressions used in these rules but not defined herein shall have the same meaning as are assigned to them under the Constitution of India and the Act.

CHAPTER II
Complaints, their Scrutiny and Verification

3. Complaint:— (1) A complaint shall be signed by the complainant and shall be made in Form I accompanied by his own affidavit in Form II and affidavits of his witnesses, if any, duly affirmed and attested by a Gazetted Officer, Village Munsif or Patel, Member of the State Legislature, Advocate, Notary Public, Sarpanch, or a Central Nazir or Deputy Nazir governed by the Andhra Pradesh Judicial Ministerial Service Rules.

[1][Provided that the Lok Ayukta or the Upa-Lok Ayukta, as the case may be, may in his discretion permit the filing of Forms I and II on any day subsequent to the date of filing of the original complaint.]

[2][(2) Every complaint shall be accompanied by a Money Order, Banker's Cheque or Demand Draft drawn in favour of the Registrar of the Institution on any Bank having a branch at Hyderabad for Rupees one hundred and fifty or cash of Rupees one hundred and fifty.]

(3) A complaint may be presented in person to the Registrar or any other officer duly authorised by him in this behalf or be sent by registered post.

4. Scrutiny of complaint:— (1) As soon as may be after presentation or receipt of the complaint, it shall be scrutinised by such member of the staff of the Lokayukta as may be specially authorised in that behalf by the Lokayukta.

1. Proviso inserted by G.O.Ms.No. 120, G.A.D. dt. 19-3-1987.
2. Subs. by G.O.Ms.No. 367, GAD (SC. E), dt. 04.09.2001, w.e.f. 04.09.2001, pub. in A.P. Gaz. RS Pt. I ex. No. 50, dt. 04.09.2001.

(2) If, on scrutiny of the complaint, it is found to be defective or deficient in any of the required particulars, the complainant shall be called upon in Form III to rectify the defects or supply the omissions within ten days or such further time as may be granted in his discretion by the Lokayukta or Upa-Lokayukta, as the case may be.

(3) If the defects are not rectified and/or the omissions are not supplied within the time specified or such further time as may be granted by the Lokayukta or Upa-Lokayukta, as the case may be, the Lokayukta or Upa-Lokayukta may reject the complaint and inform the complainant in Form IV.

(4) The complaint shall also be liable for rejection in *limine* by the Lokayukta or Upa-Lokayukta, as the case may be, for any of the following reasons, namely,—

(a) that the complaint does not disclose an allegation which may be investigated by the Lokayukta or Upa-Lokayukta, as the case may be;

(b) that the complaint is—

(i) frivolous, or

(ii) vexatious, or

(iii) not made in good faith;

(c) that there are no sufficient grounds for investigating the complaint;

(d) that other remedies are available to the complainant and in the circumstances of the case, it would be more proper for the complainant to avail of such remedies;

(e) that the public servant against whom the complaint is made is not one in respect of whom a complaint can be entertained by the Lokayukta or Upa-Lokayukta;

(f) that the complaint is made after the expiry of six years from the date on which the action complained against is alleged to have taken place;

(g) that an earlier complaint based on the same allegations as those made in the present complaint was previously disposed of by the Lokayukta or Upa-Lokayukta or any other authority.

(5) The Lokayukta or Upa-Lokayukta, as the case may be, in his discretion afford an opportunity to the complainant to show cause why the complaint shall not be rejected for any of the reasons mentioned in sub-rule (4).

CASE LAW

Rule 4(4)(g) – Rejection of application filed by a retired officer to summon the concerned records in support of his plea that the allegations against him made in the present proceedings were already enquired into earlier, was held to be improper. *Ch. Srinivasan v. Hon'ble Upalokayukta of A.P.*, 1998 (5) ALT 621 = 1998 (6) ALD 289.

CHAPTER III

Preliminary Verification and Investigation

5. Preliminary verification:— (1) After the registration of the complaint, the Lokayukta or Upa-Lokayukta, as the case may be, shall inform the complainant in Form V and may make such preliminary verification as he deems fit in regard to the allegation in the complaint and the action complained of on the basis of the information furnished through the complaint and the affidavits, documents and copies thereof, if any, enclosed to the complaint and also on his own motion before he proposes to conduct any investigation.

(2) The Lokayukta or Upa-Lokayukta may utilise the services of such Law Officers or other legally trained persons as may be attached to his establishment in the course of the preliminary verification.

(3) The Lokayukta or Upa-Lokayukta may [1][if felt necessary] hear the complainant after giving him notice in Form VI before passing an order refusing to investigate his complaint at the stage of preliminary verification.

[1][(4) If the Lok Ayukta or Upa-Lok Ayukta, as the case may be, does not reject a complaint under sub-rule (3) or sub-rule (4) of Rule 4 ; and if in his opinion, the complaint contains verifiable details justifying further action, he may,—

(i) call for remarks, information or report after a confidential probe from the concerned departmental authority or officer about the truth or otherwise of the allegations made in the complaint and fix a time for submission of such remarks, information or report; and or

(ii) require any investigating agency or the Investigation Section attached to the Institution to make a confidential probe into the allegations contained in the complaint and submit a report within the time specified.

(5) The remarks, information or report referred to in sub-rule (4) shall after its receipt in the Institution be examined by the legal Section attached

1. Ins. by G.O.Ms.No. 120 (G.A.D.), dt. 19.03.1987.

to the Institution and after such examination they shall submit their report along with the remarks, information and report referred to in sub-rule (4) of the Lok Ayukta or Upa-Lok Ayukta as the case may be.

(6) After consideration of the remarks, information and/or reports referred to in sub-rules (4) and (5) and after hearing the complainant if and when available and necessary and also the officers of the Section, the Lok Ayukta or Upa-Lok Ayukta, as the case may be, shall decide whether or not there are any sufficient grounds for ordering investigation, and if he finds that there are no sufficient grounds for conducting investigation, he shall pass an order rejecting the complaint :

Provided that if the Lok Ayukta or Upa-Lok Ayukta, as the case may be, is of the opinion after a consideration of the material referred to in sub-rules (4) and (5), that the injustice complained of or the grievance alleged can be remedied or redressed at the departmental level, he may close the complaint and send the relevant records to the concerned departmental authority with suitable directions and for appropriate action.

(7) If after such consideration of the reports etc., mentioned above the Lok Ayukta or Upa-Lok Ayukta, as the case may be, is satisfied that there is a *prima facie* case for conducting an investigation into the allegations in the complaint, he may pass an order to that effect and direct the concerned officers of the Institution to take the necessary steps in that behalf.

(8) Nothing prevents the Lok Ayukta or Upa-Lok Ayukta from closing a complaint at any stage and referring it to the concerned departmental authorities for appropriate action].

CASE LAW

Rules 5(6) – Having regard to the decision of the Apex Court in AIR 1998 SC 3047, an institution of Lok Ayukta has no jurisdiction to refer the complaint to the Central Bureau of Investigation. Even initiation of proceeding must precede the satisfaction of mind of competent authority that *prima facie* a case for investigation has been made out and the application must be based on the source of the information received by the Anti-Corruption Bureau as also the materials placed before it and not upon the direction of a statutory authority, which had no jurisdiction in that regard. *Ratnakar Indurkar v. Institution of Lok Ayuktha and Upa Lok Ayuktha and others,* 2002 (1) ALD 597 (DB).

6. Commencement of investigation:—(1) If the Lokayukta or Upa-Lokayukta, after making necessary preliminary verification, proposes to conduct an investigation into the complaint, he shall inform the Complainant accordingly and forward a copy of the complaint together with a list of the witnesses whom the complainant proposes to examine and also the affidavits, if any, produced by the complainant to the public servant concerned and the competent authority concerned.

(2) Where the Lokayukta or Upa-Lokayukta proposes to conduct an investigation on his own motion against a public servant, he shall forward to the public servant concerned, and the competent authority concerned, a statement containing details of the action attributed to such public servant or the allegation against him regarding which information has been received by the Lokayukta or Upa-Lokayukta otherwise than through a complaint together with a list of witnesses whom the Lokayukta or Upa-Lokayukta proposes to examine, if any:

[1][Provided that the Lok Ayukta or Upa-Lok Ayukta, as the case may be, any for reasons to be recorded in writing, permit the examination of any witnesses in addition to those cited in the Statement of allegations communicated to the public servant concerned.]

(3) Where the Governor makes an order under sub-section (3) of Section 18 of the Act, requiring the Lokayukta to investigate any action, the detailed grounds therefor together with a list of witnesses, if any, shall be stated in the said order and a copy of the same shall be forwarded to the public servant concerned and the competent authority concerned by the Lokayukta or Upa-Lokayukta, as the case may be.

(4) The public servant concerned shall be afforded an opportunity in Form VII to offer his comments and also produce affidavits of his witnesses and the documents he desires to be examined and considered before further steps in the investigation are ordered, within a fortnight or before the expiry of such further time as may be granted in his discretion by the Lokayukta or Upa-Lokayukta on the complaint referred to in sub-rule (1) or such portions thereof as may be specified or on the statement referred to in sub-rule (2) or the order and grounds referred to in sub-rule (3).

(5) If no comments are received from the public servant concerned in response to the opportunity afforded to him under sub-rule (4), the Lokayukta or Upa-Lokayukta may proceed further with the investigation on the basis of the material available.

(6) If, after receipt of the comments of the public servant concerned and on a consideration thereof, the Lokayukta or Upa-Lokayukta comes to a provisional conclusion that the case does not warrant further investigation, the Lokayukta or Upa-Lokayukta may discontinue further investigation:

Provided that before discontinuing further investigation, the complainant shall be heard in the matter.

1. Added by G.O.Ms.No. 120 (G.A.D.), dt. 19.03.1987.

[1][(7) If inquiry into the conduct of an officer holding a post carrying a minimum scale of pay of rupees seven thousand four hundred or below becomes necessary for conducting the investigation in regard to an allegation relating to a public servant falling within item (iii) of Clause (k) of Section 2 of the Act, the Lokayukta or Upa-Lokayukta may inquire into the conduct of such officer also.]

7. Procedure for conducting investigation:— (1) When the Lokayukta or Upa-Lokayukta decides to conduct any investigation under the Act, notices shall be sent to the complainant and the public servant concerned in Form VIII informing them about the proposed investigation and directing them to appear in person on the date mentioned therein.

(2) In an investigation conducted on a complaint if the complainant so chooses, he may be permitted to engage a legal practitioner to present the case on his behalf. The public servant concerned shall also be informed that he may take the assistance of any other public servant or a legal practitioner to defend him.

[2][(3) The Lok Ayukta or Upa-Lok Ayukta, as the case may be, may utilise the services of any Legal Practitioner or an Officer of the Legal Section of the Institution or other legally trained person to assist him in any investigation by leading oral and documentary evidence in support of the allegations contained in the Statement of Allegations communicated to the public servant by cross-examining the witnesses, if any, examined by or on behalf of the public servant and by addressing arguments].

(4) On the date fixed for appearance, the public servant concerned shall appear and he may also bring his defence assistant to represent him, In a case where investigation has been initiated on a complaint, the complainant and his legal counsel, if any, shall also be present.

(5) The Lokayukta or Upa-Lokayukta shall ask the public servant concerned whether he admits or denies the allegations contained in the complaint or statement or grounds communicated to him earlier and his plea shall be recorded. If he admits, the Lokayukta, or Upa-Lokayukta as the case may be, shall communicate his findings and recommendations to the competent authority and if he denies, the Lokayukta or Upa-Lokayukta, as the case may be, shall conduct the investigation.

(6) If the public servant concerned requests permission to inspect the documents proposed to be relied upon in support of the allegations, he may

1. Subs. by G.O.Ms.No. 367, GAD (SC. E), dt. 04.09.2001, w.e.f. 04.09.2001, pub. in A.P Gaz. RS Pt. I ex. No. 50, dt. 04.09.2001.

2. Subs. by G.O.Ms.No. 120 (G.A.D.), dt. 19-3-1987.

the witnesses, if any, examined by or on behalf of the public servant and addressing arguments, shall act independently and on their own responsibility.]

(8)(i) For the purpose of any preliminary verification or investigation under the Act, the Lokayukta or Upa-Lokayukta may issue summons in Form IX to any public servant or any other person whose attendance is required either to give evidence or to produce documents.

(ii) Every summons issued by the Lokayukta or Upa-Lokayukta shall be in duplicate and shall be signed by the Registrar and sealed with the seal of the Lokayukta or Upa-Lokayukta, as the case may be, and it shall specify the time and place at which the person summoned is required to attend and also whether his personal attendance is required for the purpose of giving evidence or to produce a document or for both the purposes.

(iii) A person may be summoned merely to produce a document without being summoned to give evidence. Any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same.

(iv) Every such summons shall be served generally by sending it by registered post or, where felt necessary, through a messenger to the person for whom it is intended.

[1][(v) When a person not in the service of Government is required by the Lokayukta or by the Upa-Lok Ayukta to appear before him to give evidence as a witness for the complainant or defence or to assist the Court, he being the complainant and having filed the complaint in public interest he shall be paid travelling allowance and daily allowance for the journey calculated under the ordinary rules for the journey of a Government servant on tour and actual conveyance charges in the case of local persons and for this purpose the Lok Ayukta or Upa-Lok Ayukta may declare by special order the grade to which such person shall be considered to belong according to his status in life and his decision in this respect shall be final.]

(vi) For the purpose of investigation under the Act, the Lokayukta or Upa-Lokayukta shall have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely,—

1. Subs. by G.O.Ms.No. 120 (G.A.D.), dt. 19-3-1987.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and produced of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any Court or Office;

(e) issuing commission for the examination of witness and documents.

(9) On the receipt of the document summoned, a date shall be fixed for recording the evidence. As far as possible, the witness shall be examined from day to day. Oral and documentary evidence shall be adduced in support of and against the allegation subject to the provisions of sub-rule (10). The parties to the investigation shall have an opportunity to examine or cross-examine or re-examine the witnesses. The Lokayukta or Upa-Lokayukta or his legal assistant may also put such questions as may be necessary to the witnesses.

(10) After the closure of the evidence in support of the allegation, the public servant concerned shall be called upon to file a list of witnesses to be examined on his behalf and the documents to be filed in support of his defence.

(11) After the closure of the defence evidence, the Lokayukta or Upa-Lokayukta, as the case may be, may hear oral arguments on both sides if he thinks it necessary. Both sides may file written briefs of their respective cases if they so desire.

(12) Whenever the Lokayukta or Upa-Lokayukta considers that it is not expedient to follow the above procedure, he may regulate the procedure for conducting the investigation in such manner as he deems fit in the circumstances of each case, [1][including the appointment of a Gazetted Officer of the Institution as Commissioner to receive documentary evidence and record oral evidence in the investigations conducted under this Act, alinude the powers conferred on a Civil Court under Order XXVI of the Code of Civil Procedure and putting such questions to any witness examined in he course of the Investigations conducted under the Act as may be necessary for purposes of elucidation of any points in issue.] Provided however that such procedure shall conform to the principles of natural justice and shall not be repugnant to the rules and other conditions of service, if any, applicable to the public servant concerned.

1. Ins. by G.O.Ms.No. 120 (G.A.D.), dt. 19-3-1987.

8. Reckoning of time limit for completing investigation:— The time limit mentioned in Clause (b) of sub-section (2) of Section 10 of the Act shall be reckoned from the date on which the Lokayukta or Upa-Lokayukta, as the case may be, orders a copy of the complaint or statement to be forwarded to the public servant concerned and the competent authority concerned under Clause (a) of sub-section (1) of Section 10 of the Act.

9. Refusal to investigate and discontinuance of investigation:—(1) The Lokayukta or Upa-Lokayukta shall not investigate any allegation for any of the reasons mentioned in Clauses (a) and (b) of sub-section (1) of Section 8 of the Act.

(2) The Lokayukta or Upa-Lokayukta, as the case may be, may at any time after the commencement of any investigation under the Act order discontinuance of further investigations of any complaint involving an allegation for any of the reasons mentioned in Clauses (a) to (c) of sub-section (4) of Section 10 of the Act.

10. Transfer of preliminary verification and investigation by Lokayukta:— The Lokayukta may make over any preliminary verification or investigation under the Act to the Upa-Lokayukta for reasons to be recorded in writing, if, in his opinion, it would be consistent with principles of natural justice and fair play so to do.

[1][**11. Furnishing copies of documents, affidavits and depositions:—** The complainant and the public servant shall be entitled to be supplied with copies of the documents exhibited, affidavits relied upon and depositions recorded in the course of any investigation under the Act at their own cost. The fee for the supply of such copies is fixed as follows,—

	Rs. P.s
Fee for ordinary application	0.25
Fee for urgent copy application	2.25
Copying charges for every 175 words or less of the matter supplied	0.60
Charges for each page of Xerox copy	1.25]

12. Place of sitting of Lokayukta and Upa-Lokayukta:— The Lokayukta or Upa-Lokayukta may, in his discretion, conduct any preliminary verification or any investigation under the Act either partly or wholly either at his principal seat at Hyderabad or at such other place or places in the State as may be notified by him from time to time.

1. Subs. by G.O.Ms.No. 120 (G.A.D.), dt. 19-3-1987.

13. Completion of investigation:— (1) After completion of investigation in any allegation in respect of any action under the Act, the Lokayukta or Upa-Lokayukta, as the case may be, if satisfied that the allegation is substantiated either wholly or partly, shall by a report in writing communicate his findings and recommendations along with the relevant documents, materials or other evidence to the competent authority concerned.

(2) If after investigation of any allegation in respect of any action under the Act, the Lokayukta or Upa-Lokayukta, as the case may be, is satisfied that the allegation is not substantiated even partly, he shall inform the complainant and the public servant concerned and the competent authority concerned accordingly.

14. Death of the complainant:— When the complainant after making a complaint either dies or is incapacitated from taking or does not take further steps for substantiating the allegation, the Lokayukta or Upa-Lokayukta, as the case may be, for reasons to be recorded in writing, proceed further with the complaint on the basis of the material available.

15. Withdrawal of complaint:— No complaint shall be permitted to be withdrawn unless the Lokayukta or Upa-Lokayukta, as the case may be, is satisfied that the complaint was made under a *bona fide* mistake or that the grievance complained of, has been adequately redressed.

[1][**15-A. Restoration and review:—** (1) Where a complaint is rejected under sub-rule (3) of Rule 4 or for non-appearance of the complainant before the Lok Ayukta or Upa-Lok Ayukta, in response to the notice issued under sub-rule (5) of Rule 4, the complainant shall be precluded from bringing a fresh complaint on the same set of facts. But he may apply for an order to set the rejection aside and if he satisfies the Lok Ayukta or Upa-Lok Ayukta, as the case may be, that there was sufficient cause for not rectifying the defects and/or not supplying the omissions within the time specified or for not appearing before the Lok Ayukta or Upa-Lok Ayukta, as the case may be, in response to a notice issued under sub-rule (5) of Rule 4, the Lok Ayukta or Upa-Lok Ayukta, as the case may be, shall make an order setting aside the rejection of the complaint upon such terms as he thinks fit and shall appoint a day for proceeding further with the matter.]

16. Interim Report:— (1) The Lokayukta or Upa-Lokayukta, as the case may be, may forward an interim report to the competent authority recommending grant of interim relief to the complainant if he is satisfied, at the stage of preliminary verification or investigation, that the complainant has sustained injustice or undue hardship in consequence of any act of a

1. Inserted by G.O.Ms.No. 120 (G.A.D.), dt. 19-3-1987.

public servant and that the grievance complained of shall be redressed expeditiously.

(2) The competent authority shall intimate the Lokayukta or Upa-Lokayukta, as the case may be, within one month from the date of receipt of the interim report referred to in sub-rule (1), the action taken in pursuance thereof.

CHAPTER IV
Miscellaneous

17. Application of the Code of Criminal Procedure:— The procedure prescribed in sub-section (1) of Section 340 of the Code of Criminal Procedure, 1973, (Act No. 2 of 1974) shall be followed in respect of offences referred to in Clause (b) of sub-section (1) of Section 195 of the said Code and the complaint made under Section 340 of the said Code shall be signed by the Registrar.

18. Prosecution for false complaints:— When upon an application made by a person against whom a complaint was made, the Lokayukta or Upa-Lokayukta, as the case may be, is satisfied after such enquiry as he deems necessary, that a false complaint has been wilfully or maliciously made against such person under the Act and that it is expedient and in the interests of justice to accord sanction to such person to prosecute the complainant for wilfully or maliciously making a false complaint against him under the Act, sanction may be accorded to such person to lay a complaint against the complainant before a Court of the Judicial Magistrate of the First Class.

19. Transaction of business:— The Lokayukta may, from time to time by general or special order, provide for the convenient and efficient transaction of business arising on the administration and implementation of these rules and the procedure to be followed for the purpose:

Provided that such order may also specify a matter or class of matters which shall be brought to the personal notice of the Lokayukta or Upa-Lokayukta before any orders are issued.

20. Residuary powers:— All matters not specifically provided for in these rules, whether incidental or ancillary to the provisions of these rules or otherwise, including the fixation of vacations for the Lokayukta and Upa-Lokayukta and holidays and vacations for their office and establishment, shall be regulated in accordance with such orders as the Lokayukta may, from time to time make.

21. Power to regulate proceedings and investigations:— The Lokayukta or Upa-Lokayukta shall have the power, subject to the provisions

of the Act and these rules, to regulate the conduct of proceedings, preliminary verifications, investigations and inquiries in all matters not provided for in these rules.

22. Power of Lokayukta to give directions:— The Lokayukta may, by order not inconsistent with these rules, provide for matters for which no provision has been made in these rules, and may give such directions as may be necessary for giving effect to the provisions of the Act, the rules and such orders.

23. Application of rules to certain complaints:— The complaints received by the Lokayukta before the making of these rules shall also be disposed of in accordance with these rules.

FORMS

FORM NO. I

(Complaint)

[*See Rule 3(1)*]

Before the Lokayukta/Upa-Lokayukta for Andhra Pradesh

1. Name and address of the complainant for all correspondence in respect of the complaint:
2. Name and address of the public servant complained against:
3. Brief facts relating to the action complained of:

   (Complainant's affidavit in the prescribed form to be enclosed)
4. If the complainant or the person for whom he is acting is aggrieved, the nature of the grievance should be specifically mentioned:
5. Names and addresses of the witnesses whom the complainant desires to examine in support of the allegations:

   (Affidavits, if any, of the witnesses may be produced).
6. Particulars of the documents relied upon by the complainant in support of the allegations:
7. If the documents relied upon or their true copies are available with the complainant, they should be enclosed and details thereof should be furnished:
8. If the documents relied upon are not in the custody of or cannot be produced by the complainant, the office or other place or individual from whom they may be secured, should be specified:
9. Did the complainant make a complaint previously to the Lokayukta or the Upa-Lokayukta or any other authority for redressal of his

grievance, in respect of the action now complained of and against the public servant mentioned in Column (3):

(Particulars to be furnished together with the result of the previous complaint)

10. Remarks, if any:

Note:— Copies of affidavits and documents shall be enclosed in duplicate for office use and in as many sets as there are public servants complained against.

Place:

Dated: Signature or thumb mark of the complainant

FORM NO. II

(Complainant's Affidavit)

[*See Rule 3(1)*]

Before the Lokayukta/Upa-Lokayukta for Andhra Pradesh

I, ... son of Shri .... aged .... years, profession .... resident of ...... P.S. .... district .... at present at .... P.S. .... district .... do hereby solemnly affirm and state as follows:

1. That I am the complainant in this case.

2. I have enclosed hereto a complaint making allegations against Sri/ Srimathi .... The contents of my complaint may be read as part and parcel of this affidavit.

3. That the statements of this complaint petition have been read by/ read over to me and understood by me and that I declare and affirm that they are true to the best of my knowledge and belief.

Dated : Signature or thumb mark of the Deponent

Solemnly affirmed before me this .... day of ...... 1998 ..... at .....

Signature of Attestor.

FORM NO. III

[*See Rule 4(2)*]

Office of the Lokayukta/Upa-Lokayukta for Andhra Pradesh at Hyderabad

Proceedings No. .... Dated: ....

To

Sri/Srimathi ....

Sir/Madam,

Ref.:— Your complaint dated ....

Your complaint dated .... against Sri/Srimathi .... is found to be deficient in the following particulars. You are hereby requested to supply the omissions and rectify the defects mentioned below within ten days after receipt of this communication, failing which your complaint will be disposed of on the basis of the available material.

Yours faithfully,

Registrar,

for the Lokayukta of Andhra Pradesh.

Omissions to be supplied:—

1. Prescribed fee of Rs. 25 to be paid.
2. Complaint is not signed by the complainant.
3. Affidavit of the complainant in the prescribed form and/or of the witnesses not enclosed.
4. Name, designation and address of the public servant complained against not furnished.
5. Documents relied on or true copies thereof in the custody and control of the complainant not enclosed.
6. Particulars of documents relied on not in the custody or control of the complainant not furnished.
7. Required sets of copies of affidavits and documents not enclosed.
8. Other reasons.

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FORM NO. IV

[*See Rule 4(3)*]

Office of the Lokayukta/Upa-Lokayukta for Andhra Pradesh at Hyderabad

Proceedings No. .... Dated: ....

To

Sri/Srimathi ....

Sir/Madam,

Your complaint, dated .... containing certain allegations against Sri/Srimathi .... is rejected for the reasons mentioned below:

Lokayukta/Upa-Lokayukta.

Reasons for rejection of the complaint:

1. The defects and/or omissions pointed out in proceedings No. .... dated .... have not been rectified and/or supplied.
2. The complaint does not disclose an allegation which can be investigated by the Lokayukta/Upa-Lokayukta.
3. The complaint is:
   (a) frivolous
   (b) vexatious
   (c) not made in good faith.
4. There are no sufficient grounds for investigating the complaint.
5. Other remedies are available to the complainant and in the circumstances of the case it would be more proper for the complainant to avail of such remedies.
6. The public servant against whom the complaint is made is not one in respect of whom a complaint can be entertained by the Lokayukta/ Upa-Lokayukta.
7. The complaint is made after the expiry of six years from the date on which the action complained against is alleged to have taken place.
8. An earlier complaint based on the same allegation as those made in the present complaint was previously disposed of by the Lokayukta/Upa-Lokayukta or any other authority through proceedings No. .... dated ....
9. The prescribed fee of Rs. 25 has not been paid.

FORM NO. V

[See Rule 5(1)]

Office of the Lokayukta/Upa-Lokayukta for Andhra Pradesh at Hyderabad

Proceedings No. .... Dated: ....

To

Sri/Srimathi...........

Sir/Madam,

Ref.:— Your complaint dated ....

Your complaint, dated .... against Sri/Srimathi .... has been registered and numbered .... as .... Intimation will be sent to you in due course regarding the further action on your complaint.

Yours faithfully,

Registrar,

Office of the Lokayukta for Andhra Pradesh

FORM NO. VI

[*See Rule 5(3)*]

Proceedings of the Lokayukta/Upa-Lokayukta for Andhra Pradesh at Hyderabad

No. .... Dated: ....

To

Sri/Srimathi ....

Sir/Madam,

Ref.:— Complaint No. .... of 19..........

Your complaint dated .... against Sri/Srimathi .... registered as complaint No. .... of 19..., stands posted to .... at 10:30 A.M. for preliminary verification by the Honourable Lokayukta/Upa-Lokayukta.

You are hereby informed that you may appear in person at the time mentioned above if you wish to be heard at the time of such preliminary verification.

You may take the assistance of a legal practitioner to present your case.

If you fail to appear as aforesaid either in person or through a legal practitioner, the matter will be decided in your absence.

Yours faithfully,

Registrar,

for the Lokayukta of Andhra Pradesh

FORM NO. VII

[See Rule 6(4)]

Proceedings of the Lokayukta/Upa-Lokayukta for Andhra Pradesh at Hyderabad

No. .... Dated : ....

To

Sri/Srimathi ....

Sir/Madam,

Ref.:— Complaint No. .... of 19......

After conducting a preliminary verification into the above complaint the Honourable Lokayukta/Upa-Lokayukta proposes to conduct an investigation into it. So, you are hereby afforded an opportunity to offer your comments on:

(i) the complaint, dated .... sent against you by Sri/Srimathi .... A copy of which is herewith enclosed along with copies of affidavits produced by the complainant;

(ii) the enclosed statement containing an allegation against you, which the Honourable Lokayukta/Upa-Lokayukta has on his own motion proposed to investigate for the grounds mentioned therein;

(iii) the action in respect of which the Governor of Andhra Pradesh has required the Honourable Lokayukta to conduct an investigation as per the enclosed copy.

You may therefore submit your comments as aforesaid on ...... at 10:30 A.M. before the Honourable Lokayukta/Upa-Lokayukta at his office together with such affidavits of witnesses and documents in the original and three sets of copies thereof, as you may desire to be examined and considered before further steps in the investigation are ordered.

You may engage another public servant or a legal practitioner to represent you.

If you fail to appear in the aforesaid manner and submit your comments as aforesaid, further investigation may be proceeded with on the basis of the material available.

Yours faithfully,

Registrar,

for the Lokayukta for Andhra Pradesh

FORM NO. VIII

[See Rule 7(1)]

Proceedings of the Lokayukta/Upa-Lokayukta for Andhra Pradesh at Hyderabad

No. .... Dated: ....

To

Sri/Srimathi ....

Sir/Madam,

Ref.:— Your complaint, dated .... against Sri/Srimathi ...

I am to inform you that the Honourable Lokayukta/Upa-Lokayukta proposes to conduct an investigation into your complaint cited in the above reference.

The matter stands posted to ....

You are directed to appear before the Honourable Lokayukta/Upa-Lokayukta at his office on the date mentioned above at 10:30 A.M.

You may engage a legal practitioner to present your case if you so desire.

If you fail to appear as aforesaid, the investigation may be proceeded within your absence.

Yours faithfully,

Registrar,

for the Lokayukta of Andhra Pradesh.

FORM NO. IX

[*See Rule 7(8)*]

Before the Lokayukta/Upa-Lokayukta for Andhra Pradesh

Complaint No. .... of ....

To

Sri/Srimathi ....

Sir/Madam,

Whereas your attendance is required as a witness before the Lokayukta/ Upa-Lokayukta of Andhra Pradesh in the above complaint—

(a) to give oral evidence; and/or

(b) to produce the documents mentioned in the annexure hereto.

You are hereby required to appear personally before him and produce or cause production of the required documents at 10:30 A.M. on .... You will be paid travelling allowance and daily allowance at the admissible rates.

If you fail to comply with this order without valid reason you will be subjected to the consequences of non-compliance with the summons as laid down in Rule 12 of Order XVI of the Code of Civil Procedure, 1908.

Given under my hand and the seal of the Lokayukta/Upa-Lokayukta of Andhra Pradesh this .... day of .... 19.......

Lokayukta/Upa-Lokayukta.

ANNEXURE

Description of the documents required to be produced.

1.

2.

3.

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